

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150

Closed Session Location - Room 141

FULL BOARD MEETING MINUTES**

MAY 6, 2003

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

William Elkins, President
Ron Alvarado, Vice President
Maeley Tom, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. Board Member Maeley Tom's confirmation hearing has been scheduled for the Senate Rules committee on May 28th.
- B. The SPB budget was considered by the Senate Budget Subcommittee on April 30th. The Board Executive Officer testified at the hearing. The subcommittee approved the SPB budget. The Assembly hearing is expected to be scheduled in May.
- C. The SPB Executive Staff is examining the impact of the budget reductions on programs and expects to have more

**The State Personnel Board Summary Minutes can be obtained at the following Internet address:

<http://www.spb.ca.gov/spbmeet/spbminrd.cfm>

detailed information about the impact available in June.

- D. Staff is completing the selection process to refill the Appeals Division Chief position. We expect to announce a final selection in early May.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Litigation:

- A. Lomeli v. Dept. of Corrections (CDC)- Superior court upheld Board's decision finding that the Board has jurisdiction to rule on statute of limitations issues under the Peace Officers Procedural Bill of Rights (POBOR), even though the superior court also has initial jurisdiction to rule on those issues. The court rejected CDC's argument that Government Code section 3304(g) applied to allow CDC to charge dishonesty based on the investigation of the underlying conduct as newly discovered evidence, even though that underlying conduct could not be charged as it was beyond the statute of limitations. Finally, the court ruled that if the underlying conduct is barred as beyond the statute of limitations, CDC could not charge dishonesty in the investigative interview regarding the underlying conduct, even though the interview took place within the statute.
- B. State Personnel Board v. DPA (consolidated cases on issue of arbitration of discipline)-- pending decision in Court of Appeal.
- C. California State Employees Assoc. et al v. Alameida (State Personnel Board)-- Superior court ruled that the one year statute of limitations period that limits the time within which a department must take discipline against peace officers does not apply to non-peace officer employees of the Department of Corrections.
- D. IUOE v. State Personnel Board (PERB) - case is in briefing stage.

Other

- A. State Personnel Board Chief Counsel Elise S. Rose spoke at quarterly meeting of the Chief Counsel for the Labor and Workforce Development Agency on current SPB issues.
- B. Council of Counsels meeting postponed to June 5, 2003 at 1 p.m.
- C. Select Advisory Panel on Policy, Merit and Appeals meeting postponed.
- D. State Employee Mediation Program volunteer mediation training to be held in Los Angeles for southern California volunteer mediators.

4. REPORT ON LEGISLATION - Sherry Hicks

The Board voted on the following:

- A. AB 25 (Nunez) - With certain exceptions, would require state agencies to accept as valid identification of a person, a photo identification card issued by another nation to its citizens or nationals. NEUTRAL
VOTE: Elkins, Alvarado, Tom - Aye.
- B. AB 196 (Leno) - Would amend the Fair Employment and Housing Act (FEHA) to add "gender" to the list of classes protected by FEHA's anti-discrimination provisions by including gender as defined in the California Penal Code, Section 422.76 in the FEHA definition of "sex". Gender is defined in the cited Penal Code section to include not only the individual's actual sex, but also his/her perceived sex based on identity, appearance or behavior. NEUTRAL
VOTE: Elkins, Alvarado, Tom - Aye.
- C. AB 703 (Dymally) - Would define "racial discrimination" and "discrimination on the basis of race" as having the same meaning as the definition contained in the *International Convention on the Elimination of All Forms of Racial Discrimination* for purposes of interpreting the provisions of Section 31 of Article I of the California Constitution. In doing this, the bill would allow special measures be taken for the "adequate advancement" of racial groups requiring protection. NEUTRAL
VOTE: Elkins, Alvarado, Tom - Aye.

- D. AB 1451 (Wyland) - Would provide that if by midnight of June 30, 2003, the Legislature fails to pass the Budget Bill for the ensuing fiscal year, amounts equal to one-sixth of the amounts appropriated by each of the items of appropriation in the Budget Act for the current fiscal year be used to cover expenses. SUPPORT
VOTE: Elkins, Alvarado, Tom - Aye.
- E. AB 1617 (Montanez) - Would amend the Fair Employment and Housing Act (FEHA) to add criteria for evaluating whether an employee meets the current legal requirement to take "all reasonable steps" to prevent employment harassment based on protected group. NEUTRAL
VOTE: Elkins, Alvarado, Tom - Aye.
- F. 434 (Escutia) - Provides that, at the request of a prosecuting attorney or the Attorney General, the head of every state department may assist in conducting investigations on matters of unlawful activity under the department's jurisdiction. It also makes various changes to the manner in which such investigations are conducted and the scope of the investigating department's powers. SUPPORT
VOTE: Elkins, Alvarado, Tom - Aye.
5. HEARING - PSC NO. 03-01
Appeal of the California Attorneys, Administrative Law Judges and Hearing Officers in State Employment (CASE) from the Executive Officer's December 24, 2002 Approval of a Contract (Contract) for legal services between the California Department of Food and Agriculture (CDFA) and the law firm of Steefel, Levitt & Weiss.
- Persons Participating:
- Michael P. Krug, Senior Staff Counsel III, representing Department of Food and Agriculture
Steven B. Bassoff, Attorney at Law, Law Office of Steven Bassoff, representing appellant
- ACTION: Submitted
6. ORAL ARGUMENT
Oral argument in the matter of DEBORAH WHITE-SANBORN, CASE NO. 02-1155P. Appeal from dismissal. Department of Developmental Services.

Persons Participating:

Terry Slover, Labor Relations Specialist, representing
Department of Developmental Services
Linda Kelly, Legal Counsel, California Union of Safety
Employees, representing appellant

ACTION: Submitted

7. ORAL ARGUMENT

Oral argument in the matter of RICHARD SINCLAIR,
CASE NO. 01-3902. Appeal from 60-calendar day suspension.
Department of Corrections.

Persons Participating:

ACTION: Submitted

BOARD ACTIONS

8. STATE PERSONNEL BOARD SUMMARY MINUTES OF APRIL 22, 2003

ACTION: Adopted on May 6, 2003.
VOTE: Elkins, Alvarado, Tom - Aye.

9. ACTION ON SUBMITTED ITEMS

ACTION: See pages 17-19.

10. ADMINISTRATIVE LAW JUDGE CASES

On May 6, 2003, the Board adopted the following decisions
presented by Elise Rose, Chief Counsel, California State
Personnel Board.

VOTE: Elkins, Alvarado, Tom - Aye.

REJECTED AND REMANDED DECISION

LAURIE McCLOSKEY, CASE 02-2941E
Appeal for enforcement of a settlement
agreement of a complaint of discrimination
Workers Compensation Insurance Technician
State Compensation Insurance Fund
ACTION: Request to void settlement agreement denied

CHIEF COUNSEL RESOLUTION

MARIA LEON, CASE NO. 02-4163
Appeal from dismissal
Employment Program Representative
Employment Development Department
ACTION: Chief Counsel resolution adopted rejecting proposed decision and remanding to Chief Administrative Law Judge for assignment to another Administrative Law Judge for a hearing on the merits.

PROPOSED DECISIONS

ARTHUR L. ADAMS, JR., CASE NO. 02-3099
Appeal from five-percent reduction in salary for four months
Caltrans Equipment Operator II
Department of Transportation
ACTION: Five-percent reduction in salary for four months sustained

CASEY CARMICHAEL, CASE NO. 02-4155
Appeal from dismissal
Janitor
Department of Motor Vehicles
ACTION: Dismissal modified to a 60-calendar day suspension

RODERICK CARTWRIGHT, CASE NO. 02-4312
Appeal from rejection during probationary period
Workers Compensation Insurance Technician
State Compensation Insurance Fund
ACTION: Rejection during probationary period sustained

DIANA COLLINS, CASE NO. 02-2847
Appeal from termination of limited term position
Psychiatric Technician Trainee
Porterville - Developmental Center
Department of Developmental Services
ACTION: Termination of limited term position sustained

JAMES COLSELL, CASE NO. 02-2651
Appeal from five-percent reduction in salary for six pay periods
Youth Correctional Counselor
El Paso De Robles - Youth Correctional Facility
Department of the Youth Authority
ACTION: Five-percent reduction in salary for six pay periods modified to five-percent for three pay periods

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STEPHANIE COOK, CASE NO. 02-2959
Appeal from three working days suspension
Vocational Assistant
County of Del Norte at Crescent City
Department of Health and Social Services
ACTION: Three working days suspension sustained

AVERY CUNNINGHAM, CASE NO. 02-3346
Appeal from five-percent reduction in salary for six months
Supervising Correctional Cook
Wasco - State Prison
Department of Corrections
ACTION: Proposed decision rejected by Board. Board to
decide case itself

JOSEPH ESMOND, CASE NO. 02-2957
Appeal from rejection during
probationary period
Officer
Department of California Highway Patrol
ACTION: Rejection during probationary period sustained

ALFONZO FAISON, CASE NO. 01-2271
Appeal from dismissal
Officer
Department of the California Highway Patrol
ACTION: Dismissal sustained

YAYA FANUSIE, CASE NO. 02-2884
Appeals from official reprimand
Associate Transportation Rate Expert
Public Utilities Commission
ACTION: Official reprimand sustained

WILLIAM FORT, CASE NO. 02-1668
Appeal from dismissal
Office Assistant (General)
The Respiratory Care Board
Department of Consumer Affairs
ACTION: Dismissal sustained

RALPH GARCIA, CASE NOS. 02-2173 & 02-4174
Appeal from demotion
Eligibility Supervisor to the position
of Eligibility Worker II
Dismissal from the position of Eligibility Worker II
County of Madera at Fresno
Department of Social Services

ACTION: Demotion of Eligibility Supervisor to the position of Eligibility Worker II modified to a five-percent reduction in salary for three months and dismissal sustained

STEPHANIE Y. GILLIS, CASE NO. 02-3974
Appeal from rejection during probationary period
Certified Nursing Assistant
Yountville - Veterans Home of California
Department of Veterans Affairs
ACTION: Rejection during probationary period sustained

CAROL L. GIMARSE-HEREDIA, CASE NO. 02-3672
Appeal from dismissal
Museum Security Officer
Department of Public Safety
California Science Center
ACTION: Dismissal sustained

KENNETH L. GINI, CASE NO. 02-3234
Appeal from five-percent reduction in salary for two months
Caltrans Equipment Operator I
Department of Transportation
ACTION: Five-percent reduction in salary for two months sustained

TERRILL GRANT, CASE NO. 02-3804
Appeal from one-step reduction in salary for six months
Material and Stores Supervisor I
Chino - California Institution for Men
Department of Corrections
ACTION: One-step reduction in salary for six months revoked

JASON HUNTER, CASE NO. 02-3130
Appeal from rejection during probationary period
Systems Analyst
County of Del Norte at Crescent City
Department of Information Services
ACTION: Appeal dismissed, no jurisdiction

BENJAMIN JOHNSON, CASE NO. 02-2700
Appeal from five-percent reduction in salary for six months
Correctional Officer
Imperial - State Prison
Department of Corrections
ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself

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MAY KANDARIAN, CASE NO. 02-1245
Appeal from dismissal
Graphic Artist II
California State University, Hayward
ACTION: Dismissal sustained

DOLORES MORENO, CASE NO. 03-0070
Appeal from dismissal
Personnel Services Supervisor II
Tracy - Vocational Institution
Department of Corrections
ACTION: Dismissal sustained

HATTIE POTEET, CASE NO. 02-2476
Appeal from demotion
Caltrans Maintenance Supervisor to Caltrans
Landscape Maintenance Leadworker
Department of Transportation
ACTION: Demotion from Caltrans Maintenance Supervisor to
Caltrans Landscape Maintenance Leadworker modified to a
five-percent reduction in salary for four months

KAREN ROGERS, CASE NO. 02-1077
Appeal to set aside resignation
Administrative Support Coordinator I
California State University, San Jose
ACTION: Petition to set aside resignation denied

JACOB RUIZ, CASE NO. 03-0276
Appeal from five-percent reduction
in salary for five months
Caltrans Landscape Maintenance Worker
Department of Transportation
ACTION: Five-percent reduction in salary for five months
sustained

RAMAIYER SAINATH, CASE NO. 02-2978
Appeal from rejection during probationary period
Transportation Engineer, Electrical
Department of Transportation
ACTION: Rejection during probationary period set aside

ROWLAND J. SIAISIAI, CASE NO. 02-2864
Appeal from "constructive demotion"
Parole Agent I (Adult Parole)
Department of Corrections

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ACTION: Appeal dismissed for lack of jurisdiction, but matter is referred to State Personnel Board Merit Appeals Office as a merit issue complaint

MONIQUE SIDAROSS, CASE NO. 02-1148
Appeal from 10 working days suspension
Transportation Engineer (Civil)
Department of Transportation
ACTION: Ten working days suspension sustained

PAMELA SMITH, CASE NO. 01-3293
Appeal from rejection during probationary period
Assistant Caltrans Administrator
Department of Transportation
ACTION: Rejection during probationary period sustained

PHILLIP SMITH, CASE NO. 02-4217
Appeal from a two-step reduction in salary for twelve months
Correctional Sergeant
San Quentin - California State Prison
Department of Corrections
ACTION: Two-step reduction in salary for twelve months revoked

ESTHER SUMMA, CASE NO. 02-2988
Appeal from non-punitive termination
Office Assistant (Typing)
Department of Transportation
ACTION: Non-punitive termination sustained

STEPHEN SURTSHIN, CASE NO. 00-3176B
Appeal for back salary determination after reinstatement from dismissal
Staff Psychiatrist
Napa - State Hospital
Department of Mental Health
ACTION: Back salary and benefits to be paid and extra pay to act as Medical Officer denied

FLETCHER WEST, CASE NO. 02-1926
Appeal from rejection during probationary period
Correctional Counselor I
San Diego - Correctional Facility
Department of Corrections
ACTION: Rejection during probationary period set aside

ARBITRATION

STEVE DOMINICI, CASE NO. 03-0515
Appeal from five working days suspension
Officer
California Highway Patrol
ACTION: Five working days suspension modified to an
official reprimand

PETITION FOR REHEARING

SHIRLEY PENA, CASE NO. 02-3484
Appeal from dismissal
Psychiatric Technician
Porterville - Developmental Center
Department of Developmental Services
ACTION: Petition for rehearing filed by respondent granted

10. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION

ACTION: See pages 20-23.

11. WITHHOLD APPEALS
On May 6, 2003, the Board adopted the following decisions
presented by Laura Aguilera, Assistant Executive Officer,
California State Personnel Board.
VOTE: Elkins, Alvarado, Tom - Aye.

MIGUEL ESCOTO, CASE NO. 02-2994
Classification: Medical Technical Assistant
Department of Corrections
ACTION: DENIED

ANJELAA FIGUEROA, CASE NO. 02-2950
Classification: Youth Correctional Officer
California Youth Authority
ACTION: DENIED

DAVID FOUST, CASE NO. 02-2554
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ANTHONY GIBSON, CASE NO. 02-3189
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

LISA KLINGER, CASE NO. 02-3267
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ERIK LAUPSA, CASE NO. 02-3255
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

ROBERT MENDOZA, CASE NO. 02-3504
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

DEFINA OSBY, CASE NO. 02-1361
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED

DON PASTELL, CASE NO. 02-3605
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

WAYNE POPE, CASE NO. 02-2669
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

CYRUS RAPHAEL, CASE NO. 02-3686
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

RICK RATLIFF, CASE NO. 02-2057
Classification: Special Agent
Department of Justice
ACTION: GRANTED

DARRELL REED, CASE NO. 02-3011
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

CESAR RENTERIA, CASE NO. 02-2667
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

STEVEN RICHARDS, CASE NO. 02-2807
Classification: Correctional Officer
Department of Corrections
ACTION: WITHDRAWN

PHILLIP RODRIGUEZ, CASE NO. 02-3053
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JESUS ROMERO, CASE NO. 02-2626
Classification: Medical Technical Assistant
Department of Corrections
ACTION: DENIED

THOMAS ROSS, CASE NO. 02-3683
Classification: Youth Correctional Officer
California Youth Authority
ACTION: DENIED

NICK SALAS, CASE NO. 02-2607
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JOHN SHIRO, CASE NO. 02-0342
Classification: Criminalist
Department of Justice
ACTION: DENIED

HENRY TORRES, CASE NO. 02-2615
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

PHILLIP TUMMARELLO, CASE NO. 02-1039
Classification: Special Agent
Department of Justice
ACTION: GRANTED

JOHN USSERY, CASE NO. 02-2810
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

DAMION VANPARKS, CASE NO. 02-2603
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

JAMES WALKER, CASE NO. 02-2673
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

DEVIN WILLIAMS, CASE NO. 02-3029
Classification: Youth Correctional Officer
California Youth Authority
ACTION: DENIED

ROTHELL WILLIAMS, CASE NO. 02-2628
Classification: Youth Correctional Officer
California Youth Authority
ACTION: DENIED

12. MEDICAL APPEALS

On May 6, 2003, the Board adopted the following decisions
presented by Laura Aguilera, Assistant Executive Officer,
California State Personnel Board.
VOTE: Elkins, Alvarado, Tom - Aye.

HILDA TORRES, CASE NO. 02-4125
Classification: Cadet, CHP
California Highway Patrol
ACTION: DISMISSED

13. PSYCHOLOGICAL SCREENING CASES

On May 6, 2003, the Board adopted the following decisions
presented by Laura Aguilera, Assistant Executive Officer,
California State Personnel Board.
VOTE: Elkins, Alvarado, Tom - Aye.

MARY APPER, CASE NO. 03-0716
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

14. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) CHIEF, OFFICE OF PRIVACY PROTECTION

The Department of Consumer Affairs proposes to allocate the above position to the CEA category on a permanent basis. The Chief, Office of Privacy Protection was allocated by the State Personnel Board to the CEA category for a two-year period, expiring August 15, 2003. The Chief, Office of Privacy Protection is charged with the responsibility for identifying consumer problems in the privacy area and facilitating the development of fair information policies and practices.

(2) ASSISTANT DEPUTY DIRECTOR

The Department of General Services proposes to allocate the above position to the CEA category. The Assistant Deputy Director is responsible for developing and coordinating initiatives, policies, procedures, and legislation affecting the Procurement Division's management and operations.

(3) SUPPORT BRANCH MANAGER

The Department of General Services proposes to allocate the above position to the CEA category. The Support Branch Manager is responsible for the Support Branch, which supports the acquisitions function and oversees the non-acquisition functions of the Procurement Division.

(4) OPERATIONS BRANCH MANAGER

The Department of General Services proposes to allocate the above position to the CEA category. The Operations Branch Manager is responsible for the Operations Branch, which delivers the Procurement Division's core business products and services.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

(1) CHIEF, POLICY BRANCH

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The Department of Child Support Services request to allocate the above position to the CEA category has been approved effective April 15, 2003.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. MERIT RULE - Proposed adoption of the new Section 250 to the California Code of Regulations (CCR) entitled Requirement that Selection be Based on Merit and Fitness. (Hearing held July 23, 2002).

NO ACTION

2. TEACHER STATE HOSPITAL (SEVERLY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

3. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

4. ANSWERS OR APPEALS FILED WITH STATE PERSONNEL BOARD
State Personnel Board (SPB) staff is proposing to adopt new Rule 63 to require, in part, that answers or appeals filed with SPB, requesting that a hearing or investigation be conducted by SPB, notify the responding party of all planned affirmative defenses and requests for relief. (Hearing held February 3, 2003).

NO ACTION

5. TONY PORCELLA, CASE NO. 01-2898. Appeal from dismissal. California Highway Patrol. (Oral argument held February 3, 2003).

NO ACTION

6. BARBARA LENOUE, CASE NO. 01-3441. Appeal from dismissal. Department of Developmental Services. (Oral argument held March 4, 2003).

NO ACTION

7. STEPHEN VAN ZEE, CASE NO. 01-3017. Appeal from withdrawal of employment offer. Office of Inspector General. (Oral argument held March 4, 2003).

NO ACTION

8. TELEVISION SPECIALIST (SAFETY)
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).

NO ACTION

9. CONNIE ARMSTEAD, CASE NO. 00-4241. Appeal from constructive medical termination and/or suspension. California Highway Patrol. (Oral argument held April 8, 2003).

ACTION: On May 6, 2003, adopted Board decision denying appeal from constructive medical termination and/or suspension.

VOTE: Elkins, Alvarado, Tom - Aye.

10. FRANK HURTADO, CASE NO. 01-3980. Appeal from dismissal. Department of Corrections. (Oral argument held April 8, 2003).

ACTION: On May 6, 2003, adopted Board decision revoking dismissal and awarding back pay.

VOTE: Elkins, Alvarado, Tom - Aye.

11. JOHN HUGHES, CASE NO. 01-4078. Appeal from ten-percent reduction in salary for 12 months. Department of Corrections. (Oral argument held April 8, 2003).

NO ACTION

12. BONNIE SNYDER, CASE NO. 02-0556. Appeal from ten working days suspension. Department of Social Services.

(Oral argument held April 8, 2003).

NO ACTION

13. VAROOZH TORROSSIAN, CASE NO. 02-1147. Appeal from non-punitive termination. Department of Transportation.
(Oral argument held April 8, 2003).

NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on May 6, 2003.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Elkins, Alvarado, Tom, - Aye.